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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,308	06/23/2000	Brian Wolfe	5053-27900	1777

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EXAMINER
FRENEL, VANEL

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/603,308	Applicant(s) WOLFE ET AL.	
	Examiner Vanel Frenel	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *7 and 8* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 02/07/03. Claim 2 has been cancelled. Claims 1, 3-15, 23 and 43 have been amended. Claims 1 and 3-63 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKee (6,272,482) in view of Hammond et al (5,613,072).

(A) As per claim 1, McKee discloses a system comprising: a rules engine which is operable to assess a value of an insurance claim as a function of a plurality of rules (Col.1, lines 6-37) comprise formulas to assess said value of said insurance claim (Col.3, lines 44-67); a database which stores formula data (Col.5, lines 32-67).

Mckee does not explicitly disclose wherein said database is separate from said rules engine; and a translator program which is operable to read formula data from said database and transform said formula data into said formulas of said plurality of rules. However, this feature is known in the art, as evidenced by Hammond. In particular, Hammond suggests wherein said database is separate from said rules engine (Col.13, lines 54-67 to Col.14, line 17); and a translator program which is operable to read

formula data from said database and transform said formula data into said formulas of said plurality of rules (The Examiner interprets computer program as a form of translator which can update its records on its active workers' compensation claims 30 as a matter of course on a host computer 34 which is typically a multi-function main frame computer maintained by the carrier (Col.3, lines 30-67 to Col.4, line 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the feature of Hammond within the system of McKee with the motivation of providing a generated models which are installed onto a designated computer accessible by the insurance carrier. The insurance carrier maintains and updates its active workers' compensation claims on a host computer at the carrier facility (See Hammond Col.2, lines 31-34).

(B) As per claim 3, Hammond discloses the system wherein said formula data is stored in a tabular format in said database (Col.4, lines 1-67).

(C) As per claim 4, Hammond discloses the system wherein said formula data comprises alphanumeric values stored in said database (Col.5, lines 55-61).

(D) As per claim 5, Hammond discloses the system wherein said formulas are configured to be updated by updating said formula data stored in said database (Col.3, lines 42-67 to Col.4, line 16).

(E) As per claim 6, Hammond discloses the system wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a formula identifier (Col.8, lines 1-37).

(F) As per claim 7, Hammond discloses the system wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a sequence number (Col.3, lines 42-67 to Col.4, lines 16).

(G) As per claim 8, McKee discloses the system wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a section description (Col.2, lines 8-20).

(H) As per claim 9, McKee discloses the system wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a page identifier (Col.2, lines 8-20).

(I) As per claim 10, McKee discloses the system wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a prompt identifier (Col.2, lines 54-67 to Col.3, line 9).

(J) As per claim 11, McKee discloses the system wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises an answer identifier (Col.3, lines 44-60).

(K) As per claim 12, Hammond discloses the system wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a mathematical function (Col.9, lines 38-67).

(L) As per claim 13, McKee discloses the system wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a numeric value (Col.5, lines 53-55).

(M) As per claim 14, McKee discloses the system wherein said formula data are configured to be modified in response to business requirements of an insurance organization to form modified formula data (Col.3, lines 44-67).

(N) As per claim 15, McKee discloses the system wherein said formula data are configured to be modified as a function of business requirements of an insurance organization to form modified formula data (Col.3, lines 44-67); wherein said translator program is configured to be modified as a function to of business requirements of an insurance organization to form a **modified translator** program (Col.5, lines 32-52); and wherein said modified translator program is configured to read said modified formula data from said database and transform said modified formula data into a modified plurality of formulas (Col.5, lines 32-52).

(O) As per claim 16, McKee discloses the system wherein said formulas are usable in real-time by said plurality of rules to assess the value of the insurance claim. (Col.7, lines 20-35).

(P) As per claim 17, Hammond discloses the system wherein said insurance claim comprises a bodily injury claim, and wherein said value of said insurance claim comprises a bodily injury general damages value (Col.4, lines 33-67).

(Q) As per claim 18, Hammond discloses the system wherein said plurality of rules use said formulas to determine a trauma severity value associated with said bodily injury claim (Col.4, lines 33-67).

(R) As per claim 19, McKee discloses the system further comprising: a CPU (Col.6, lines 10-19); a memory coupled to the CPU, wherein said rules engine comprises program instructions which are stored in said memory and executable by said CPU (Col.6, lines 10-24).

(S) As per claim 20, McKee discloses the system wherein said rules comprise logical instructions for assessing said value of said insurance claim (Col.6, lines 10-34).

(T) As per claim 21, McKee discloses the system wherein each rule comprises a premise and one or more resulting actions for assessing said value of said insurance claim (Col.5, lines 1-52).

(U) As per claim 22, McKee discloses the system wherein each of said formulas comprises one or more inputs and one or more functions operating on said one or more inputs to compute one or more outputs (Col.5, lines 53-67 to Col.6, line 20).

(V) As per claim 23, McKee discloses a method comprising: providing a rules engine which is operable to assess a value of an insurance claim as a function of a plurality of rules, wherein said plurality of rules use formulas to assess said value of said insurance claim (Col.3, lines 44-67); providing a database which stores formula data (Col.5, lines 32-67), reading said formula data

from said database (Col.6, lines 10-60); and transforming said formula data into said formulas usable by said plurality of rules (Col.5, lines 1-31). McKee does not explicitly disclose wherein said database is separate from said rules engine.

However, this feature is known in the art, as evidenced by Hammond. In particular, Hammond suggests wherein said database is separate from said rules engine (See Hammond Col.13, lines 45-67 to Col.14, line 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the feature of Hammond within the system of McKee with the motivation of providing a generated models which are installed onto a designated computer accessible by the insurance carrier. The insurance carrier maintains and updates its active workers' compensation claims on a host computer at the carrier facility (See Hammond Col.2, lines 31-34).

(W) As per claim 24, Hammond discloses the method wherein said insurance claim comprises a bodily injury claim, and wherein said value of said insurance claim comprises a bodily injury general damages value (Col.4, lines 33-67).

(X) As per claim 25, Hammond discloses the method further comprising: assessing said value of said insurance claim as a function of said plurality of rules and said plurality of formulas by determining a trauma severity value associated with said bodily injury claim (Col.4, lines 33-67).

(Y) As per claim 26, Hammond discloses the method wherein said formula data is stored in a tabular format in said database (Col.4, lines 1-67).

(Z) As per claim 27, McKee discloses the method wherein said rules engine comprises program instructions which are executable by a computer (Col.6, lines 10-24).

(AA) As per claim 28, McKee discloses the method wherein said rules comprise logical instructions for assessing said value of said insurance claim (Col.6, lines 10-34).

(BB) As per claim 29, McKee discloses the method wherein each rule comprises a premise and one or more resulting actions for assessing said value of said insurance claim (Col.5, lines 1-52).

(CC) As per claim 30, McKee discloses the method wherein said formulas data comprises alphanumeric values stored in said database (Col.5, lines 53-55).

(DD) As per claim 31, McKee discloses the method further comprising:

updating said formulas by updating said formula data stored in said database (Col.1, lines 15-67 to Col.2, line 20).

(EE) As per claim 32, McKee discloses the method further comprising:

updating said formula data in said database (Col.1, lines 15-67 to Col.2, line 20);

reading said updated formula data from said database (Col.6, lines 10-60); and

transforming said updated formula data into updated formulas for use by said plurality of rules (Col.5, lines 1-31).

(FF) As per claim 33, McKee discloses the method further comprising:

modifying said formula data in response to business requirements of an insurance organization to form customized formula data (Col.4, lines 25-67 to Col.5, line 31).

(GG) As per claim 34, Hammond discloses the method further comprising:

modifying said formulas to form modified formulas by using said modified formula data (Col.9, lines 5-67; Col.11, lines 15-60).

(HH) As per claim 35, McKee discloses the method: wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a formula identifier (Col.8, lines 1-37).

(II) As per claim 36, McKee discloses the method: wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a sequence number (Col.4, lines 15-23).

(JJ) As per claim 37, McKee discloses the method: wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a section description (Col.2, lines 8-20).

(KK) As per claim 38, McKee discloses the method: wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a page identifier (Col.2, lines 8-20).

(LL) As per claim 39, McKee discloses the method: wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a prompt identifier (Col.2, lines 54-67 to Col.3, line 9).

(MM) As per claim 40, McKee discloses the method: wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises an answer identifier (Col.3, lines 44-60).

(NN) As per claim 41, Hammond discloses the method: wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a mathematical function (Col.9, lines 38-67).

(OO) As per claim 42, McKee discloses the method: wherein said formula data comprises a plurality of entries in said database, wherein at least one entry comprises a numeric value (Col.5, lines 53-55).

(PP) Claim 43 differs from claims 1 and 23 by reciting a carrier medium comprising program instructions, wherein said program instructions are computer–executable to implement:

As per this limitation, it is noted that McKee discloses providing a rules engine which is operable to assess a value of an insurance claim as a function of a plurality of rules, wherein said plurality of rules use formulas to assess said value of said insurance claim (Col.1, lines 6-67 to Col.2, line 20);

accessing a database which stores formula data (Col.5, lines 32-67), reading said formula data from said database (Col.6, lines 10-60); and transforming said formula data into said formulas usable by said plurality of rules (Col.5, lines 1-31) and Hammond discloses wherein said database is separate from said rules engine.

Thus, it is readily apparent that these prior art systems utilize program instructions to perform their specified function.

The remainder of claim 43 is rejected for the same reason given above for claims 1 and 23, and incorporated herein.

(QQ) Claims 44-62 recite the underlying process steps of the elements of claims 24-42, respectively. As the various elements of claims 24-42 have been shown to be either disclosed by or obvious in view of the collective teachings of McKee and Hammond, it is readily apparent that the apparatus disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 44-62 are rejected for the same reasons given above for method claims 24-42, and incorporated herein.

(RR) As per claim 63, McKee discloses the system wherein said formula data are configured to be modified as a function of business requirements of an insurance organization to from modified formula data (Col.3, lines 44-67); and wherein said translator program is configured to read said modified formula data from said database and transform said modified formula data into a modified plurality of formulas (Col.6, lines 10-60).

Response to Arguments

4. Applicant's arguments filed 02/07/03 with respect to claims 1 and 3-63 have been considered but they are persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 02/07/03.

(A) At page 7, Applicant argues McKee and Hammond do not teach a plurality of rules which use formulas to assess the value of an insurance claim. However, the Examiner disagrees.

In response to Applicant's arguments, Examiner respectfully notes that McKee discloses "rules mapping to the state laws for, e.g., auto liability limits, allowable auto deductibles, auto cancellation and renewal notification requirement, property mandatory coverages, property deductible and liability limits, etc. Each jurisdiction contains the set of governing business rules representing each and every regulation involving auto insurance, property insurance, and life insurance" which is corresponding to the claimed feature (See McKee, Col.4, lines 30-67). Therefore, Applicant's argument is not persuasive.

(B) At page 8, Applicant argues that Hammond does not teach or suggest a database including formulas used by business rules to assess the value of an insurance claim. However, the Examiner disagrees.

In response to Applicant's arguments, Examiner respectfully suggests that McKee discloses "database management, communications, publishing, and multimedia presentation software as well as payroll, financial planning, project management,

decision and support, personnel records, and office management software and further including specific business applications such as insurance claims and losses, credit approval, order entry and inventory, etc. which is corresponding to the claimed feature (See McKee, Col.1, lines 15-56). Therefore, Applicant's argument is not persuasive.

(C) At page 8, Applicant argues that neither McKee nor Hammond (alone or in combination) appears to teach or suggest the feature of transforming formula data into formula usable by business rules to assess the value of an insurance claim. However, the Examiner disagrees.

In response to Applicant's arguments, Examiner respectfully suggests that McKee suggests " a regulation increasing the minimum number of days required to contact a customer about an auto policy cancellation, from 30 days to 45 days. The business user must determine which rule (s). Rules pertaining to life and property insurance (jurisdictions 6h and 6i) can be ignored" which is corresponding to the claimed feature (See McKee, Col.4, lines 61-67 to Col.5, lines 31). Therefore, Applicant's argument is not persuasive.

(D) At page 9, Applicant argues that neither McKee nor Hammond appears to teach or suggest storing formula in a database. However, the Examiner disagrees.

In response to Applicant's arguments, Examiner respectfully suggests that "updating of old claims and inputting of new claims is done via keyboard input terminals connected to the host computer 34. The dedicated personal computer 28 which stores

the statistical models 22 and the host computer 34 which stores the active claims data 30 are connected via standard data links 42 which is readable as the claimed feature (See Hammond, Col.3, lines 57-67 to Col.4, line 67). Therefore, Applicant's argument is not persuasive.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches method and system encoding and processing alternative healthcare provider billing (5,915,241), case management for personal injury plaintiff's law office using a relational database (6,098,070) and expert system for providing interactive assistance in solving problems such as healthcare management (5,517,405).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F
V.F
April 14, 2003

DINH X. NGUYEN
PRIMARY EXAMINER